



Methods of Divorce

Non-Contested Divorce

In a non-contested divorce, one spouse retains an attorney who represents only that spouse. Husband and wife must decide how to divide the property, debts, and custody if there are minor children involved. The attorney drafts the necessary documents to file with the court and represents one spouse at the hearing. The spouse who hired the attorney is responsible for getting the necessary documents reviewed, signed and notarized by his or her spouse.

Mediated Divorce

A mediated divorce is one in which the divorcing couple attends sessions with a trained mediator who facilitates their decision-making. Paperwork reflecting these decisions is drawn up by the mediator and reviewed by the parties. At least one party must hire an outside attorney to draft the Petition and file the documents prepared in mediation. The other party has the option of hiring his or her own outside attorney to review the documents. Costs for the attorney's services vary, but can be a low nominal flat fee for a divorce that has been mediated.

Interdisciplinary Collaborative Law

Interdisciplinary Collaborative Law is a concept of resolving legal issues in a non-adversarial manner. It differs from mediation in that each party hires his or her own advocate from a pool of attorneys, rather than sharing one mediator. In addition, the parties hire a mental health professional and Certified Financial Planner™ (CFP) to help them through the process. The attorneys agree to assist their clients in resolving dissolution issues without litigation. The attorneys and parties negotiate a settlement in a cooperative, non-adversarial manner by meeting face-to-face at four-way settlement meetings. When necessary the meetings include the mental health professional and the CFP™. To ensure that all parties are working productively toward settlement, each party must sign a contract with his or her respective attorney. The contract provides for full and honest disclosure of all pertinent information, financial or otherwise. If a party stonewalls or withholds information, he or she is guilty of breaking the collaborative law contract and the process is halted.

Contested Divorce

In a contested divorce, husband and wife cannot agree on how to divide their property or custody of the children. Both husband and wife need to retain separate attorneys. The lawyers negotiate on behalf of their respective clients to attempt to settle the case. If the attorneys cannot reach a mutual agreement, the case is set for trial.

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